

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHARLES GABBY,

Plaintiff,

v.

Case No. 04-C-0476

**DR. MEYER, DR. LUY, SHARI HEINZ,
SUSAN KOON, JOHN DOE 1, JOHN DOE 2,
JOHN DOE 3, and UNKNOWN,**

Defendants.

ORDER

Plaintiff Charles Gabby, who at all times relevant to this action was a Wisconsin state prisoner, lodged this pro se civil rights action pursuant to 42 U.S.C. § 1983 alleging various violations of his constitutional rights. Before me now is plaintiff's supplemental motion to supplement response to defendants' motion for summary judgment. I denied defendants' third motion for summary judgment without prejudice on March 28, 2008. At that time, I provided deadlines for plaintiff to complete his discovery and for the parties to file supplemental materials related to defendants' motion. I advised the parties that I would thereafter revisit defendants' summary judgment motion and that defendant need not file any new summary judgment motion. Plaintiff's supplemental motion simply asks me to deny defendants' third motion for summary judgment. Although titled a motion, this document is really just a supplemental response to defendants' motion for summary judgment. Thus, I will deny plaintiff's motion to supplement as unnecessary. A decision regarding defendants' motion for summary judgment in light of the supplemental materials filed with the court is forthcoming.

For the foregoing reasons,

IT IS THEREFORE ORDERED that plaintiff's supplemental motion to supplement response to defendant motion for summary judgment (Docket #71) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 25 day of March, 2009.

/s _____
LYNN ADELMAN
District Judge